

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.6819 of 2019

Central Bank of India,
Anna Nagar (W) Branch,
rep. by its Chief Manager.
AC 10, Second Avenue,
Anna Nagar,
Chennai - 600 040.

.. Petitioner

-vs-

1.The District Collector,
Kancheepuram District,
Tamil Nadu.

2.M/s.Kannammal Educational Trust,
rep. by its Chairman and Managing Trustee
K.N.Ramachandran,
New No.30, Dr.Ramasamy Salai,
K.K.Nagar (West)
Chennai-78.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st respondent to dispose of the application filed under Section 14 of SARFAESI Act on 16.07.2018 within a time frame pertaining to the secured property namely land and building admeasuring to an extent of 6 acres and 46 cents forming part of No.101, Thandalam Village, Sriperumbudur Taluk, Kancheepuram District - 602 105, comprised in the Survey Numbers S.No.78/5 - 63 cents, S.No.78/6A - 7 cents, S.No.77/1 - 1.32 Acres, S.No.77/3 - 47 cents, S.No.78/3 - 23 cents, S.No.78/6B - 7 cents, S.No.78/7 - 1.60 acres, S.No.80/5 - 12 cents, S.No.58/6 - 42 cents, S.No.78/2 - 71 cents, S.No.78/1 - 32 cents, S.No.58/17 - 42 cents and S.No.75/13 - 8 cents lying within the Registration District

of Kancheepuram and Sub Registration District of Sriperumbudur & within the police station limit of Thandalam belonging to the 2nd respondent.

For Petitioner : Mr.S.Arun Kumar

For Respondent : Mr.V.Jayaprakash
Narayanan
Government Pleader (i/c)
for respondent No.1

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) accepts notice on behalf of the first respondent.

2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing the first respondent to pass orders on the application dated 16.07.2018 filed by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act').

3. Heard the learned counsel appearing for the petitioner and the learned Government Pleader (i/c) appearing for the first respondent.

4. Learned counsel appearing for the petitioner submitted that though the application was filed by the petitioner on 16.07.2018, the first respondent-District Collector has not disposed of the same till date. He would submit that in view of the long pendency of the matter, the petitioner is not in a position to take possession of the properties.

5. Having regard to the submission made by the learned counsel for the petitioner and taking note of the limited prayer sought for in this writ petition, without expressing any opinion on the merits of the case, we direct the first respondent to consider and pass orders on the application dated 16.07.2018 filed by the petitioner under Section 14 of the SARFAESI Act on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after giving notice to all concerned.

6. With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

bbr
To

The District Collector,
Kancheepuram District,
Tamil Nadu.

+1cc to Mr.L.Ganesh, Advocate SR.No. 23508
+1 cc to Government Pleader SR.NO. 2474

W.P.No.6819 of 2019

A.SK(05/04/2019)



WEB COPY